

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES FIDELITY AND)
GUARANTY COMPANY,)
Plaintiff,)
v.)
PAUL A. BORDIERI and ANDREA)
J. COSTA, Trustees of JACKSON)
CONSTRUCTION COMPANY,)
a Massachusetts Business Trust,)
PAUL A. BORDIERI, Individually)
Defendants,)
and)
SOVEREIGN BANK OF NEW)
ENGLAND, NA, APPLETON)
PARTNERS, INC. and CAMBRIDGE)
APPLETON TRUST, NA,)
Trustee Process Defendants.)

SEALED

C.A. No. 05-11397 NMG

DOCKETED

MOTION FOR EX PARTE APPROVAL OF ATTACHMENT BY TRUSTEE PROCESS

The Plaintiff, United States Fidelity & Guaranty Company ("USF&G"), moves this Court, pursuant to Rule 64 of the Federal Rules of Civil Procedure, Rule 4.2 of the Massachusetts Rules of Civil Procedure, and Massachusetts General Laws Chapter 246, for an Order of Attachment by Trustee Process of all monies or other things held by Trustee Process Defendants Sovereign Bank of New England, Appleton Partners, Inc., and Cambridge Appleton Trust, NA and due (whether or not now payable) by the Defendants Jackson Construction

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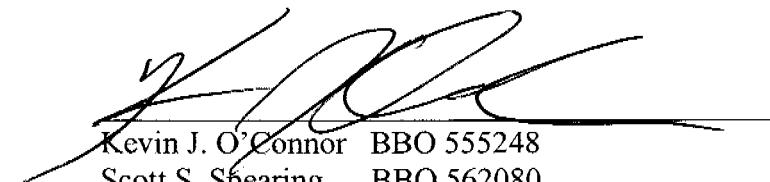
Company ("Jackson") and Paul Bordieri to USF&G pursuant to the Master Surety Agreement and Retention of Surplus Agreement entered into between USF&G, Jackson and Bordieri.

In support thereof, USF&G states that there is a substantial likelihood that (1) USF&G will recover judgment against Jackson and Bordieri in an amount equal to or greater than the amount of the attachment, and (2) on information and belief, there is no liability insurance available to satisfy the judgment. In support of this Motion, USF&G relies upon the Memorandum in Support of its Motion for Ex Parte Approval of Attachment by Trustee Process and the Affidavit of James E. Mack In Support of Ex Parte Motion For Attachment By Trustee Process which are filed herewith.

WHEREFORE, USF&G respectfully requests that this Court take the following action:

1. Order the attachment by trustee process of all accounts, funds or other intangible assets of Bordieri up to the amount of \$1,984,143.64 held by the Trustee Process Defendants;
2. Order the attachment by trustee process of all accounts, funds or other intangible assets of Jackson up to the amount of \$3,492,778.00 held by the Trustee Process Defendants; and
3. Order such other and further relief as is just and appropriate at law or in equity.

UNITED STATES FIDELITY AND GUARANTY COMPANY,
By its attorneys,



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Dated: July 6, 2005

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